

ORDINANCE NO. 2015-46

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 11. CR COMMERCIAL-RESIDENTIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, REVISING HIALEAH CODE § 98-877 ENTITLED "USES PERMITTED AND REGULATIONS", TO INCLUDE SELF-STORAGE FACILITIES AS A PERMITTED USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 12, 2015 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to promote and encourage the growth and stability of businesses within the Commercial-Residential District and to provide proper zoning regulations in the best interest of the health, safety, welfare of the community and the proper administration of its government.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code § 98-877 entitled "Uses permitted and regulations" as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 11. CR COMMERCIAL-RESIDENTIAL DISTRICT

* * *

Sec. 98-877. – Uses permitted and regulations.

No building or land shall be used and no building shall be hereinafter erected, constructed, reconstructed or structurally altered that is designated, arranged or intended to be used or occupied for any purpose, unless it provides residential uses and one or more of the principal uses according to the following requirements:

(a) *Principal uses and structures:*

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(17) Self-storage facilities provided that all facades facing streets have architectural features that are pedestrian friendly and all parking and loading areas are screened from street view.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

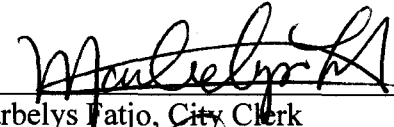
PASSED and ADOPTED this 8th day of September, 2015.

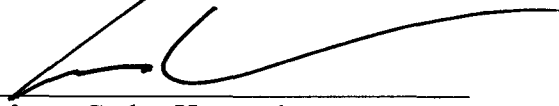
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

Attest:

Approved on this 11 day of September, 2015.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez


Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

Ordinance was adopted by a (6-1-0) vote with Council Members,
Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez
and Lozano voting "Yes", Council Member Casals-Muñoz
voting "No".